

RANKED-LIST PROPORTIONAL REPRESENTATION

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American jurisdictions are considering switching to proportional representation (PR) in volumes unseen for a hundred years. But the forms of PR currently being debated have drawbacks. The most (domestically) prominent of these, proportional ranked-choice voting (P-RCV), is both vulnerable to vote leakage among parties and cognitively challenging for voters. Another salient system, open-list proportional representation (OLPR), risks underrepresenting minority voters. This Essay therefore introduces a new form of PR—ranked-list proportional representation (RLPR)—that promises to alleviate these concerns. Under RLPR, voters first vote for a single party. They then rank only this party’s candidates. Voters’ party votes determine each party’s seat share. And voters’ candidate rankings establish which of each party’s candidates win its allotted seats. Like all forms of list PR, RLPR makes it impossible for votes to leak across party lines. RLPR is also cognitively simpler for voters because it asks them to rank only one party’s (not all parties’) candidates. And RLPR’s sequential reallocations of votes typically lead to proportional minority representation (both intraparty and overall). Accordingly, American jurisdictions should add RLPR to their menu of PR options for general elections. If they choose to adopt it, they should pair it with P-RCV for primary elections.

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INTRODUCTION

Proportional representation (PR) is now higher on the electoral reform agenda than it has been for about a century. Portland, Oregon, recently adopted proportional ranked-choice voting (P-RCV) for its city council elections.¹ Over the last few years, the same system has been embraced by Albany, California; Amherst, Massachusetts; Arlington,

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1. See *Portland 2024 Election: Shifting to Ranked-Choice Voting*, PORTLAND.GOV, <https://www.portland.gov/vote> [https://perma.cc/5P58-C5VP]. P-RCV is also known as the single transferable vote (STV).

Virginia; Minneapolis, Minnesota; and the other Portland, in Maine.² In Washington, D.C., the Fair Representation Act, which would mandate P-RCV for congressional elections, has been introduced in every Congress since 2017.³ Similar efforts at the state level are currently afoot. And while FairVote has advocated PR for decades,⁴ the ranks of PR proponents have been enlarged lately by New America,⁵ Protect Democracy,⁶ the Sightline Institute,⁷ and other groups.

PR is now higher on the electoral reform agenda than it has been for about a century—and there’s the rub. In the early to mid-1900s, twenty-four American cities including Cincinnati, Cleveland, and New York City embraced P-RCV.⁸ But twenty-three of these cities (all except Cambridge, Massachusetts) eventually abandoned the system.⁹ An important reason why was that the major parties opposed it and worked doggedly to repeal it. Under P-RCV, ballots that rank a given party’s candidate first can help elect other parties’ candidates, too, if voters subsequently rank these rivals. The major parties were threatened by this “vote leakage,” which undermined their cohesion, complexified their campaign strategies, and reduced their legislative seats.¹⁰ Additionally, some voters were cognitively challenged by P-RCV, which often asked them to rank large numbers of candidates. Most voters ultimately preferred the simplicity of the old first-past-the-post system.¹¹

P-RCV is one form of PR; another is open-list proportional representation (OLPR), under which voters vote for both a party and one or more of this party’s candidates. Some scholars argue that OLPR is superior to P-RCV, at least in the American context, because the former

2. See *Proportional RCV Information*, FAIRVOTE, <https://fairvote.org/our-reforms/proportional-ranked-choice-voting-information/> (last visited Feb. 22, 2025).

3. See H.R. 3057, 115th Cong. (2017); H.R. 4000, 116th Cong. (2019); H.R. 3863, 117th Cong. (2021); H.R. 7740, 118th Cong. (2024).

4. See *Our Impact*, FAIRVOTE, <https://fairvote.org/who-we-are/our-impact/> (last visited Feb. 22, 2025).

5. See *Electoral Reform Research Group*, NEW AM., <https://www.newamerica.org/political-reform/errg/> (last visited Feb. 22, 2025).

6. See *Shaping the Democracy of Tomorrow*, PROTECT DEMOCRACY, <https://protectdemocracy.org/our-work/shaping-the-democracy-of-tomorrow/> [<https://perma.cc/YB56-WJ78>].

7. See *Democracy + Elections*, SIGHTLINE INST., <https://www.sightline.org/research/democracy/> [<https://perma.cc/P4J2-7QGU>].

8. JACK SANTUCCI, MORE PARTIES OR NO PARTIES: THE POLITICS OF ELECTORAL REFORM IN AMERICA 5 (2022) [hereinafter SANTUCCI, MORE PARTIES].

9. *Id.*

10. See *id.* at 168 (noting that after “[v]ote transfers cross the major-party divide” and “legislators defy party leaders” under P-RCV, “repeal episodes, orchestrated by leaders from opposing coalitions” ensue).

11. See *id.* at 52 (observing that P-RCV is “cognitively challenging” for certain voters).

system prevents any vote leakage and is more manageable for voters.¹² Unlike P-RCV, however, OLPR is vulnerable to the objection that, in certain circumstances, it may not result in adequate minority representation. Under OLPR, parties might not include enough minority-preferred candidates in their lists. Even if parties do include enough of them, these candidates could fail to be elected in sufficient numbers. This outcome is plausible, at least in principle, because OLPR isn't designed to ensure intraparty proportionality for cohesive minority groups.

This Essay therefore introduces a new form of PR—*ranked-list proportional representation* (RLPR)—that promises to alleviate these concerns about P-RCV and OLPR. RLPR is essentially a hybrid of P-RCV and OLPR. Under RLPR, voters first vote for a particular party. In this respect, RLPR is identical to OLPR (or, indeed, to any type of list PR). Next, voters rank as many candidates as they wish *from the party for which they voted*. RLPR thus resembles P-RCV in enabling voters to rank candidates. RLPR diverges from P-RCV, though, in permitting voters to rank only a single party's—not all parties'—candidates.

RLPR stops vote leakage—the phenomenon that helped doom P-RCV in the mid-twentieth century—in its tracks. Because voters can vote for only a single party, and can rank only this party's candidates, it's impossible for their votes to contribute to the election of any other party's candidates. Under RLPR (as under list PR generally), a party's votes accrue to its benefit alone. RLPR is also less demanding than P-RCV for voters. It reduces the number of candidates they're asked to rank by a factor of two or more (depending on how many parties are on the ballot). And these fewer candidates are simpler to assess because they necessarily share the same party affiliation. Under RLPR, voters need not (and cannot) weigh party affiliation against other candidate attributes.

Compared to OLPR, moreover, RLPR ensures the same or greater representation for cohesive minority groups. OLPR allocates a party's seats to its candidates in order by the number of votes they each receive. This is a semi-proportional seat allocation method that sometimes underrepresents racial and ethnic minority groups, especially when their coordination is suboptimal or voters can vote for multiple candidates. In contrast, RLPR's seat allocation method is P-RCV, just applied on an intraparty basis. Critically, P-RCV is a proportional seat allocation method, under which cohesive minority groups typically achieve representation commensurate to their popular support.¹³ Consequently,

12. See, e.g., *id.* at 183 (“Open-list proportional representation (OLPR) obviates vote leakage and ranking truncation.”).

13. MGGG REDISTRICTING LAB, MODELING THE FAIR REPRESENTATION ACT 15 (2022), <https://mggg.org/publications/FRA-Report.pdf> [<https://perma.cc/8SVN-BVDY>]

RLPR tends to produce *double* proportionality: proportionality *among* parties (like OLPR) as well as proportionality *within* parties (unlike OLPR or any other type of list PR).

This Essay further addresses issues pertaining to RLPR's implementation. At the local level, only municipalities holding partisan elections may switch to this system. Municipalities holding nonpartisan elections can't use RLPR (or any other type of list PR). At the state level, eleven states have recently prohibited ranked-choice voting.¹⁴ While these bans are aimed at *single-winner* ranked-choice voting (S-RCV), some of them likely apply to RLPR, too. Federally, almost all forms of PR are currently barred by the statutory requirement that each congressional district be represented by a single Representative.¹⁵ This provision would have to be repealed for RLPR to be an option for congressional elections. And at all levels, electoral designers must decide how parties choose their general election candidates. RLPR in the general election is viable even in the absence of a primary election. If a primary election is to be held, the Essay recommends that it use P-RCV and nominate up to as many candidates per party as there are seats to be filled.

The Essay proceeds as follows. Part I summarizes the basic forms of PR and identifies certain criticisms of P-RCV and OLPR. Part II introduces RLPR and explains how it operates. Part III shows that RLPR doesn't result in vote leakage, is relatively easy for voters to use, and generally leads to proportional minority representation. And Part IV examines how RLPR could be implemented at all levels of American elections.

I. CRITICISMS OF EXISTING SYSTEMS

Proportional representation is a “they,” not an “it.” Around the world, four main families of PR are used by nations and subnational jurisdictions.¹⁶ Numerous variants exist within each family, and scholars have proposed even more options, some that fit within this taxonomy and

(“[P-RCV] in multi-member districts can secure proportional representation for minorities without a race-conscious line-drawing process.”).

14. See *Ranked Choice Voting*, NAT'L CONF. ST. LEGISLATURES, <https://www.ncsl.org/elections-and-campaigns/ranked-choice-voting> (Feb. 5, 2025).

15. 2 U.S.C. § 2c. An arguable exception is Ned Foley's “self-districting” proposal. Edward B. Foley, *Self-Districting: The Ultimate Antidote to Gerrymandering*, 111 KY. L.J. 693 (2022–2023).

16. For a helpful guide, see generally Michael Gallagher & Paul Mitchell, *Dimensions of Variation in Electoral Systems*, in *THE OXFORD HANDBOOK OF ELECTORAL SYSTEMS* 23 (Erik S. Herron, Robert J. Pekkanen & Matthew S. Shugart eds., 2018).

some that don't.¹⁷ Under proportional ranked-choice voting, as briefly sketched above, voters rank up to all the candidates running, and these rankings are then harnessed to fill two or more seats. The number of seats to be filled determines the electoral quota. Each candidate with a share of first-choice votes larger than this quota is elected. These winning candidates' "surplus" votes are then fractionally reallocated to the candidates ranked after the winners. If this reallocation causes one or more other candidates to exceed the quota, they're elected as well and their surplus votes are reallocated in turn. If seats are still unfilled after this reallocation, the candidate with the fewest first-choice votes is eliminated, and her votes are reallocated to remaining candidates. This process continues until all seats are filled.¹⁸

Next, under open-list proportional representation, parties put forward lists of candidates, commonly including up to as many candidates as there are seats to be filled. Voters then vote for both a party and one or more of this party's candidates. Voters' party votes determine the share of seats to which each party is entitled. For example, a party receiving thirty percent of voters' party votes also wins thirty percent of seats. Voters' candidate votes determine which of a party's candidates are elected to its allotted seats. For example, if a party wins three seats, the party's three candidates receiving the most votes claim these seats.¹⁹

The last two families of PR are closed-list proportional representation (CLPR) and mixed-member proportional representation (MMP). Under CLPR, as under OLPR, voters vote for a single party. Under CLPR, however, voters don't vote for any of this party's candidates. The party chooses the ordering of its candidates—either directly or through a nomination process—and thus who claims the seats the party earns.²⁰ Under MMP, some seats are filled through single-member districts, and other "compensatory" seats are filled using CLPR. Voters vote for a candidate to represent them in their district as well as for a party. Voters' party votes determine the total share of seats to which

17. For example, Ned Foley has recently suggested a unique system of "self-districting" in which voters first choose their party and separate single-member-district maps are then drawn for each party's voters. This system effectively uses intraparty districting to allocate parties' seats. Foley, *supra* note 15.

18. For a description of P-RCV, see *Proportional Ranked Choice Voting Example*, FAIRVOTE, https://fairvote.org/archives/multi_winner_rcv_example/ (last visited Feb. 22, 2025).

19. For a description of OLPR, see *Open List*, WIKIPEDIA, https://en.wikipedia.org/wiki/Open_list [<https://perma.cc/2WXH-TQCD>]. See also Kevin R. Kosar & Jack Santucci, *What Is the One-Vote System? A Q&A with Jack Santucci*, AEI (Oct. 25, 2021), <https://www.aei.org/politics-and-public-opinion/what-is-the-one-vote-system-a-qa-with-jack-santucci/> (noting that, in common forms of OLPR, voters vote *only* for a candidate and this vote counts for the candidate's party as well).

20. For a description of CLPR, see *Closed List*, WIKIPEDIA, https://en.wikipedia.org/wiki/Closed_list [<https://perma.cc/K49X-JR4D>].

each party is entitled. Each party receives compensatory seats equal to this total seat share minus the party's share of candidates winning district elections. To illustrate, if a party earns three total seats and has two victorious district-level candidates, the party gets one compensatory seat.²¹

While CLPR and MMP have certain advantages, I don't consider them further in this Essay. American voters have been voting exclusively for candidates for more than two centuries. But CLPR would require them to vote exclusively for parties. CLPR's party-centrism likely makes it untenable in a political environment known for its distinctive emphasis on candidates.²² Similarly, MMP retains a CLPR component, which seems as unsuited to candidate-centric American politics as CLPR itself. MMP's compensatory seats would also be either unconstitutional or impractical at the federal level. They'd be unconstitutional if they were distributed from a national pool because the Constitution requires all U.S. House members to be elected from individual states.²³ And compensatory seats would be impractical if they were allocated state by state because, to guarantee proportionality within each delegation, either the House would have to be significantly larger or the number of congressional districts would have to be significantly smaller (to allow for more compensatory seats).²⁴

Focusing on the two forms of PR that are most plausible in the United States—P-RCV and OLPR—they promise a range of benefits.²⁵ Most importantly, they'd drastically reduce the glaring seat-vote disproportionality that's characteristic of American elections. This seat-vote mismatch results from both intentional gerrymandering and political geography. Neither of these factors prevents a well-designed PR system from achieving proportionality.²⁶ Additionally, legislatures under PR are

21. For a description of MMP, see *Mixed-Member Proportional Representation*, WIKIPEDIA, https://en.wikipedia.org/wiki/Mixed-member_proportional_representation [https://perma.cc/FP66-PYXW].

22. See, e.g., Richard H. Pildes, *Skepticism About Proportional Representation for Congress*, 2024 U. ILL. L. REV. 1529, 1536 (“[T]he shift to . . . party-based voting would be a radical one in the American context.”).

23. U.S. CONST. amend. XIV, § 2 (“Representatives shall be apportioned among the several States according to their respective numbers”); see also *id.* art. I, § 2, cl. 3.

24. See, e.g., Daniel Bochslers, *Balancing District and Party Seats: The Arithmetic of Mixed-Member Proportional Electoral Systems*, 81 ELECTORAL STUD. 102557, at 1–2 (2023) (showing that, for MMP to achieve proportionality, compensatory seats must generally constitute thirty to fifty percent of all seats).

25. Foley's self-districting proposal is arguably plausible, too, because it retains the characteristic relationships between voters and representatives in single-member districts. See Foley, *supra* note 15.

26. See PIPPA NORRIS, ELECTORAL ENGINEERING: VOTING RULES AND POLITICAL BEHAVIOR 88 (2004) (“Many studies have commonly found proportionality to be significantly greater under PR than under majoritarian systems”).

more reflective of voters in not just partisan but also ideological terms.²⁷ So, if PR were adopted, American legislatures would likely be less polarized and more representative of the many voters near the middle of the ideological spectrum. PR further leads to greater electoral competitiveness than do single-member districts. While most single-member districts are safe for one party or another, multiple parties can frequently win (or lose) one or more seats in multimember districts under PR.²⁸ And precisely because PR is more competitive, it yields higher voter turnout, too. More voters go to the polls when the odds are better that their votes will make a difference.²⁹

These benefits are substantial—indeed, for many, dispositive. But P-RCV and OLPR are also subject to certain criticisms that may be especially acute in the American context.³⁰ First, unique among PR systems, P-RCV is prone to vote leakage: a vote for one party's candidate ultimately helping to elect another party's candidate.³¹ In the simplest vote leakage scenario, a voter ranks one party's candidate first and another party's candidate second. The voter's first-choice candidate is then elected or eliminated, at which point the voter's vote transfers, fractionally or fully, to a candidate from a different party. According to comparative scholars, the possibility of vote leakage “undermine[s] the salience of party for voters”³² and “weakens party cohesion and party

27. Matt Golder & Jacek Stramski, *Ideological Congruence and Electoral Institutions*, 54 AM. J. POL. SCI. 90, 104 (2010) (“[C]ountries where the electoral system accurately translates votes into legislative seats will also be characterized by a more accurate translation of citizen preferences into legislative seats.”).

28. See FAIRVOTE, THE FAIR REPRESENTATION ACT: REMEDYING DYSFUNCTION IN THE U.S. HOUSE OF REPRESENTATIVES 12 (2017), <https://progov21.org/Download/Document/0U2V47> [<https://perma.cc/CGP9-6SQB>] (finding that the share of competitive congressional districts would rise from 15% to 43% under PR); cf. Carlisle Rainey, *Strategic Mobilization: Why Proportional Representation Decreases Voter Mobilization*, 37 ELECTORAL STUD. 86, 97 (2015) (“[W]hile competitiveness might be greater in PR systems, the impact of this additional competition [on party mobilization] is minimal.”).

29. See Andreas Ladner & Henry Milner, *Do Voters Turn Out More Under Proportional than Majoritarian Systems? The Evidence from Swiss Communal Elections*, 18 ELECTORAL STUD. 235, 249 (1999) (finding that “voting participation is significantly higher under PR systems” in a study of Swiss cantons).

30. I think these criticisms are far from fatal. Warts and all, P-RCV and OLPR are much preferable to single-member districts, in my view.

31. Note that the “above the line” P-RCV system used for the Australian Senate—in which voters may (but need not) simply vote for a party and endorse its ranking of candidates—reduces vote leakage to the extent voters choose to use this feature (and not rank candidates themselves). See *Voting in the Senate*, AUSTL. ELECTORAL COMM’N, https://www.aec.gov.au/voting/how_to_vote/voting_senate.htm [<https://perma.cc/JRD4-SBHP>].

32. Richard S. Katz, *The Single Transferable Vote and Proportional Representation*, in CHOOSING AN ELECTORAL SYSTEM 135, 143 (Arend Lijphart & Bernard Grofman eds., 1984).

responsibility.”³³ Getting down to brass tacks, parties also strongly dislike “their” votes crossing party lines and advantaging their opponents. Hence, in the words of Arend Lijphart and Bernard Grofman, other forms of PR are “more attractive to established political parties” and, for this reason, “much more widely used.”³⁴

The American experience with P-RCV amply confirms parties’ opposition to it. As noted at the outset, every city but one that adopted this system in the early to mid-1900s eventually repealed it.³⁵ In most of these places, party hostility helped doom P-RCV (though other factors, like discomfort with far-left factions securing representation, also played a role).³⁶ In Toledo, “politicians who had lost power repeatedly challenged [the city’s] new electoral system, achieving its repeal in 1949.”³⁷ In Cincinnati, “the GOP . . . introduced [unsuccessful] repeal[] amendments in 1936, 1939, 1947, and 1954,” and finally managed to abolish P-RCV in 1957.³⁸ Across more Ohio cities, party elites who had been “displaced from power” became “avid leaders of reform efforts.”³⁹ “Their struggle to regain the old perquisites of municipal control drove the repeal initiatives.”⁴⁰ Analyzing the full set of American P-RCV cases, in his invaluable book about them, Jack Santucci concludes that parties were threatened by “[v]ote transfers cross[ing] the major-party divide” and “legislators defy[ing] party leaders in government.”⁴¹ “These developments precede[d] . . . repeal episodes, orchestrated by leaders from opposing coalitions.”⁴²

To be clear, this is a practical point about P-RCV, not a normative one. Some may cheer, not bemoan, voters ranking candidates from multiple parties and legislators resisting the party line. The centrality of

33. Arend Lijphart & Bernard Grofman, *Choosing an Electoral System*, in CHOOSING AN ELECTORAL SYSTEM, *supra* note 32, at 3, 9.

34. *Id.* at 6.

35. See *supra* notes 8–9 and accompanying text.

36. See Tom Sitton, *Proportional Representation and the Decline of Progressive Reform in Los Angeles*, 77 S. CAL. Q. 347, 361 (1995) (noting that “issues such as racism in Cincinnati and communism in New York” contributed to the repeal of P-RCV in these cities).

37. Dennis M. Anderson, *PR in Toledo: The Neglected Stepchild of Municipal Reform*, in KATHLEEN L. BARBER, PROPORTIONAL REPRESENTATION AND ELECTION REFORM IN OHIO 241, 241 (1995).

38. Robert A. Burnham, *Reform, Politics, and Race in Cincinnati: Proportional Representation and the City Charter Committee, 1924–1959*, 23 J. URB. HIST. 131, 151–52 (1997).

39. BARBER, *supra* note 37, at 287.

40. *Id.*

41. SANTUCCI, MORE PARTIES, *supra* note 8, at 168.

42. *Id.*; see also Jack Santucci, *Avoiding the PR Mistakes of the Past*, DEMOCRACY (2023) [hereinafter Santucci, *PR Mistakes*], <https://democracyjournal.org/magazine/70/avoiding-the-pr-mistakes-of-the-past/> (“[B]oth major parties agreed that [P-RCV] was problematic. It came to hurt both of them at once.” (emphasis omitted)).

parties in any mass democracy, however, makes their antagonism toward a policy a serious impediment to its enactment and maintenance. Parties averse to P-RCV keep it off the legislative agenda (or vote against it en masse). So a voter initiative is usually necessary to circumvent incumbent officeholders. Parties averse to P-RCV also continue to fight it even after it has been approved. So reformers must wage not one battle, but rather a long series of struggles in which any defeat spells the end of P-RCV. Now, if these costs were unavoidable to achieve the many benefits of PR, it might be reasonable to incur them. Pragmatically, though, it would be preferable to realize PR's gains *without* needing to engage in unending conflict with the very institutions that define and dominate politics.⁴³

A second problem with P-RCV is its complexity. To use it effectively, voters must learn about, and then rank, numerous parties' candidates for numerous seats. As the volume of seats rises, this quickly becomes a tall order. For instance, comparative scholars argue that the "sweet spot" for district magnitude—the zone in which seat-vote disproportionality is sharply reduced without overly fragmenting the party system—is around five.⁴⁴ If five parties run five candidates each in a five-seat district under P-RCV, then voters must rank up to twenty-five candidates. Even highly informed and conscientious voters might find this an arduous task.⁴⁵ Moreover, the city councils elected by P-RCV in the early to mid-twentieth century often had considerably more than five members. As a result, the number of candidates ballooned to about forty in Cincinnati in 1937 (for nine seats),⁴⁶ about 150 in Worcester, Massachusetts, in 1949 (also for nine seats),⁴⁷ and about 240 in New York City in 1937 (for twenty-six seats apportioned among the five boroughs).⁴⁸ Faced with ballots this long, few voters could make intelligent decisions, and many were justifiably frustrated.

Unlike parties' opposition to P-RCV, its complexity is a practical *and* a normative obstacle. Practically, in polls and focus groups, "voters

43. As Santucci puts it, "[r]eforms either work *with* a party system, or that system spits them out." Santucci, *PR Mistakes*, *supra* note 42; *see also* Pildes, *supra* note 22, at 1567–68 (urging "PR proponents" to think more about "the 'here to there' problem," that is, "what a realistic path might be to congressional legislation that would permit or mandate" PR).

44. *See* John M. Carey & Simon Hix, *The Electoral Sweet Spot: Low-Magnitude Proportional Electoral Systems*, 55 AM. J. POL. SCI. 383, 384 (2011) ("[O]ur results suggest an optimal district magnitude in the range of three to eight.").

45. *Id.* at 385 (noting that a person's capacity to "distinguish[] clearly among a limited set of choices . . . drops off sharply once the number of options rises to seven or above").

46. SANTUCCI, MORE PARTIES, *supra* note 8, at 190.

47. *Id.* at 196.

48. *Id.* at 193.

perceive [P-RCV] ballots as more complicated.”⁴⁹ This (accurate) perception makes voters less willing to support P-RCV, thereby lowering its likelihood of adoption. Normatively, a more complex electoral system is, all else equal, a worse electoral system. Voters’ ability to vote knowledgeably and straightforwardly, leaving them satisfied with the experience, is an uncontroversial objective. It’s certainly not the only basis on which electoral methods should be judged, but few would deny that it’s at least a relevant consideration.⁵⁰ And on this axis, P-RCV performs relatively poorly. In fact, it’s probably the most “cognitively challenging” form of PR, the system that requires voters to make the most difficult electoral choices.⁵¹

The last objection I cover here applies to OLPR but not to P-RCV. It’s that OLPR doesn’t guarantee the proportional representation of cohesive minority groups and thus risks their underrepresentation. There are two reasons why minority-preferred candidates might fail to be elected in sufficient numbers under OLPR. First, parties might not include enough of these candidates in their lists.⁵² But this point isn’t unique to OLPR, and it can be addressed by facilitating ballot access for these candidates. I discuss ballot access further in Part IV. Second, and more fundamentally, OLPR relies on a semi-proportional formula to determine which of a party’s candidates are elected to its allotted seats. Specifically, if a party wins n seats, its n candidates receiving the most votes claim these seats.⁵³ At best, if each voter can vote for a single candidate, and if minority voters and minority-preferred candidates behave strategically, this formula can produce proportional minority representation. At worst, if each voter can vote for multiple candidates,

49. Kristin Eberhard, *My Big, Bold Ranked-Choice Voting Proposal*, SIGHTLINE INST. (Feb. 1, 2018), <https://www.sightline.org/2018/02/01/my-big-bold-ranked-choice-voting-proposal/> [<https://perma.cc/8BBN-RUY6>] (discussing focus groups); see also Joseph Anthony & David C. Kimball, *Public Perceptions of Alternative Voting Systems: Results from a National Survey Experiment* 15 (Ann. Meeting Midwest Pol. Sci. Ass’n, 2022), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3854047 [<https://perma.cc/BJS2-EDJP>] (discussing polls).

50. See, e.g., Shaun Bowler & David M. Farrell, *We Know Which One We Prefer but We Don’t Really Know Why: The Curious Case of Mixed Member Electoral Systems*, 8 BRIT. J. POL. & INT’L RELS. 445, 448 (2006) (finding in a survey of experts that simplicity is their second most important criterion for electoral systems).

51. SANTUCCI, MORE PARTIES, *supra* note 8, at 52.

52. Stephen Bloom & Frank C. Thames, *Nomination and List Placement of Ethnic Minorities Under Open-List Proportional Rules: The Centrality of Ethnopolitical Context*, 74 ELECTORAL STUD. 102386, at 3 (2021) (“Whether open-list PR systems aid or harm minority representation depends, initially, on whether parties nominate minority candidates in winnable list positions.”).

53. *Open List*, *supra* note 19.

or if minority voters or minority-preferred candidates act in suboptimal ways, this formula can yield subpar or even no minority representation.⁵⁴

To grasp these dynamics, start with a ten-seat district in which a party wins five seats under OLPR with one candidate vote per voter. Also assume that one hundred voters vote for the party: forty minority members and sixty majority members, whose respective candidate preferences are highly divergent.⁵⁵ If minority voters and minority-preferred candidates follow the best possible strategy, they can achieve proportional (intraparty) minority representation, no matter what other voters and candidates do.⁵⁶ This strategy requires exactly two minority-preferred candidates to be on the party's list, minority voters to vote for only these candidates, and minority voters to split their votes evenly between them. If this strategy is executed properly, then both minority-preferred candidates are elected with twenty votes each. Two seats out of five is forty percent, which is also the minority share of the party's voters.

So far, so good, but the picture changes sharply if these parameters shift.⁵⁷ Say that minority voters remain perfectly cohesive but split their votes suboptimally between the two minority-preferred candidates: thirty for one, ten for the other. Then only the candidate getting thirty votes may be elected (if other voters and candidates keep behaving optimally or close to it), resulting in subproportional minority representation.⁵⁸ Or say that four minority-preferred candidates instead of two are on the party's list, and draw ten votes each. Then, in certain circumstances, *none* of these candidates may be elected, and minority representation

54. Margherita Negri, *Preferential Votes and Minority Representation in Open List Proportional Representation Systems*, 50 SOC. CHOICE & WELFARE 281, 283 (2018) (showing through formal modeling that "minority representation can be very limited under open list PR").

55. Assume further that one hundred voters, none of whom are minority voters, vote for other parties. Note that, if minority voters have different preferences from other voters in the same party, they could split off and form a new party rather than try to optimally coordinate their behavior within their original party. The easier this is to do, legally and politically, the less it matters if minority voters are unable to achieve proportional representation within their original party.

56. The optimal strategy for the majority is three majority-preferred candidates running, majority voters voting for only these candidates, and majority voters splitting their votes evenly among them. Then all three majority-preferred candidates are elected with twenty votes each.

57. Note that some dynamics described in this paragraph can also occur in single-member minority-opportunity districts (of the kind that are common in the United States today). If multiple minority-preferred candidates run (in either the primary or the general election), and minority voters suboptimally split their votes among these candidates, then a candidate disfavored by minority voters may be elected.

58. To achieve this result, for example, four majority-preferred candidates could run and receive fifteen votes each.

could fall to zero.⁵⁹ Or say that voters can vote for up to five of a party's candidates, not just one. Then if five majority-preferred candidates are on the party's list, and if all majority voters vote for all these candidates, they again sweep all five seats and fully exclude the minority from representation.⁶⁰

OLPR's risk of underrepresenting cohesive minority groups creates practical, normative, and legal difficulties. Practically, minority voters and the organizations that promote their interests—the NAACP, the League of United Latin American Citizens, the Congressional Black and Hispanic Caucuses, and so on—wield significant political influence. It's implausible that OLPR could be adopted (especially by Democratic elected officials) in the face of minority opposition to the policy based on its consequences for minority representation. Normatively, adequate minority representation is a widely shared goal for electoral systems.⁶¹ So anyone appraising OLPR might object to it because of its tendency to underrepresent minority groups in certain realistic scenarios. And legally, adequate minority representation is also one of the core aspirations of the Voting Rights Act (VRA), the monumental law that restored minority citizens to full membership in the American political community.⁶² In some cases—if OLPR consistently underrepresents minority groups *and* single-member districts could reliably perform better—OLPR could potentially run afoul of the VRA.⁶³

59. To achieve this result, for example, five majority-preferred candidates could run and receive twelve votes each.

60. In the terminology of electoral system scholars, when each voter has one candidate vote under OLPR, the system uses the single, non-transferable vote (SNTV) to allocate seats among each party's candidates. Precisely because of its tendency to underrepresent minority groups, electoral system scholars strongly disfavor SNTV. *See, e.g.,* Bowler & Farrell, *supra* note 50, at 446 (finding in a survey of experts that SNTV “is the least preferred of the electoral systems”). When each voter has as many candidate votes as there are party seats to be filled under OLPR, the system uses plurality block voting to allocate seats among each party's candidates. Under plurality block voting, “[t]he usual result . . . is that the most-popular [group] sees its full slate of candidates elected.” *Plurality Block Voting*, WIKIPEDIA, https://en.wikipedia.org/wiki/plurality_block_voting [<https://perma.cc/VH6F-49VE>].

61. Bowler & Farrell, *supra* note 50, at 448 (finding in a survey of experts that representation for minorities and women is their third most important criterion for electoral systems).

62. NICHOLAS O. STEPHANOPOULOS, *ALIGNING ELECTION LAW* 205 (2024) (“Another objective of the VRA is minority representation: the election of candidates favored by minority members . . .”).

63. NICHOLAS O. STEPHANOPOULOS, *PROPORTIONAL REPRESENTATION AND THE VOTING RIGHTS ACT* 8–12 (2024), <https://protectdemocracy.org/wp-content/uploads/2024/08/Proportional-Representation-and-the-Voting-Rights-Act.pdf> [<https://perma.cc/E9BT-525G>] (discussing potential VRA challenges to forms of PR). Note that *any* electoral system could fail to elect sufficient minority-preferred candidates in certain scenarios. For OLPR to have a genuine VRA problem, it would have to

II. OPERATION OF RLPR

The form of proportional representation I introduce in this Essay—ranked-list proportional representation—has the potential to allay these concerns about proportional ranked-choice voting and open-list proportional representation. I describe RLPR’s advantages in Part III; here, I explain how the system operates. As flagged earlier, RLPR is a cross between the two forms of PR most commonly advocated for American jurisdictions, P-RCV and OLPR. RLPR shares with OLPR the property of being a type of list PR. Under RLPR, as under OLPR or any other list PR system, each voter initially votes for a party. These party votes determine the share of legislative seats to which each party is entitled.

RLPR’s other key feature is derived from P-RCV. After voting for a party, each voter ranks up to all of *this party’s* candidates. This intraparty ranking component is different from OLPR, which allows a voter only to *vote* for one or more of a party’s candidates—not to *rank* them.⁶⁴ The intraparty ranking component also diverges from P-RCV, under which a voter may rank *all parties’*—not just *her chosen party’s*—candidates.⁶⁵ Within each party, RLPR distributes seats in precisely the same way that P-RCV does so among all parties’ candidates. Each party’s number of seats (determined by its share of party votes) sets its electoral quota. Each of the party’s candidates with more first-choice votes than this quota is elected. These winning candidates’ surplus votes are then fractionally reallocated to the party’s candidates ranked after the winners. If this reallocation causes one or more of the party’s other candidates to exceed the quota, they’re elected as well and their surplus votes are reallocated in turn. If any of the party’s seats are still unfilled after this reallocation, the party’s candidate with the fewest first-choice votes is eliminated, and her votes are reallocated to the party’s remaining candidates. This process continues until all the party’s seats are filled.

To clarify the operation of RLPR, a sample ballot and election may be helpful. Figure 1 displays what a ballot might look like for an election under RLPR with three parties running five candidates each for five available seats. A voter must first vote for a party; in the sample ballot, the voter selected the Purple Party. A voter must next rank up to all of this party’s candidates; in the sample ballot, the voter ranked *L* first, *K* second, *N* third, *M* fourth, and *O* fifth (all affiliated with the Purple Party,

systematically underrepresent minority voters in a particular jurisdiction compared to single-member districts—for example, if minority voters and minority-preferred candidates regularly acted in ways that resulted in minority underrepresentation.

64. *Open List*, *supra* note 19.

65. *Proportional Ranked Choice Voting Example*, *supra* note 18.

of course).⁶⁶ This RLPR ballot strongly resembles an OLPR ballot. The sole difference is that, here, a voter must rank a party's candidates, while, under OLPR, a voter can only vote for, not order, them. This RLPR ballot is also quite similar to a P-RCV ballot. The distinctions are that, under P-RCV, a voter has no party vote and may rank all parties' (not merely one party's) candidates.

GREEN PARTY		ORANGE PARTY		PURPLE PARTY	
☐		☐		☒	
Candidate	Rank	Candidate	Rank	Candidate	Rank
A		F		K	2
B		G		L	1
C		H		M	4
D		I		N	3
E		J		O	5

Figure 1. Sample RLPR Ballot

For a sample RLPR election, suppose there are 167 voters in this five-seat district, of whom 100 vote for the Purple Party. The Purple Party's vote share is 60% ($100 \div 167$),⁶⁷ so it wins 60%, or three, of the five seats. Also suppose the Purple Party's voters rank its candidates as follows: Forty voters have the same preferences as the voter who cast the above sample ballot: *L, K, M, N, O*. Twenty voters rank the candidates: *K, L, N, M, O*. Twenty voters rank the candidates: *O, M, N, L, K*. And twenty voters rank the candidates: *M, N, O, K, L*. Figure 2 tabulates the first- through fifth-choice votes for each candidate in this scenario.

	K	L	M	N	O
1st Choice	20	40	20	0	20
2nd Choice	40	20	20	20	0
3rd Choice	0	0	40	40	20
4th Choice	20	20	20	40	0
5th Choice	20	20	0	0	60

Figure 2. Sample Votes for a Party's Candidates in an RLPR Election

Because the Purple Party receives 100 votes and wins three seats, the quota for a Purple Party candidate to claim one of these seats is 26

66. In practice, a voter would likely order candidates by filling in bubbles corresponding to their rankings—not by actually *writing* these rankings by hand.

67. Throughout this discussion, seats and percentages are rounded to the nearest whole number.

votes $((1 \div (3 + 1)) \times 100) + 1$.⁶⁸ In the first round of counting, only *L* has more first-choice votes (40) than this quota. *L* is therefore elected and has 14 surplus votes ($40 - 26$) amounting to 35% of *L*'s first-choice votes ($14 \div 40$). This percentage is multiplied by the 40 second-choice votes cast for *K* by the voters who ranked *L* first, resulting in 14 votes being reallocated to *K* ($35\% \times 40$).

In the second round, these reallocated votes enable *K* to exceed the quota and thus to be elected, with 8 surplus votes ($34 - 26$) amounting to 24% of *K*'s votes ($8 \div 34$). This percentage is multiplied by the 20 third-place votes cast for *N* by the voters who ranked *K* first,⁶⁹ as well as by the 14 third-place votes cast for *M* by the voters who ranked *L* first,⁷⁰ resulting in 5 votes being reallocated to *N* ($24\% \times 20$) and 3 votes being reallocated to *M* ($24\% \times 14$).

In the third round, no new candidate exceeds the quota, so the candidate with the fewest votes, *N*, is eliminated. *N*'s 5 votes are reallocated to the candidate ranked after *N* on these ballots, *M*.⁷¹

In the fourth round, these reallocated votes enable *M* to exceed the quota and thus to claim the Purple Party's third and final seat. All these calculations are shown as a table in Figure 3 and as a vote flow diagram in Figure 4.⁷²

	Round 1	Round 2	Round 3	Round 4
K	20	34 (+14)	26 (-8)	26
L	40	26 (-14)	26	26
M	20	20	23 (+3)	28 (+5)
N	0	0	5 (+5)	0 (-5)
O	10	10	10	10

Figure 3. Sample Determination of Winners of an RLPR Election
(Table)

68. This is known as the Droop quota, which is used in most implementations of proportional RCV. *Glossary: Droop Quota*, FAIRVOTE, <https://fairvote.org/resources/glossary/> (last visited Feb. 22, 2025).

69. While all the voters who ranked *K* first ranked *L* second, *L* has already been elected and so can't receive any more votes.

70. These votes originally numbered 40 but were weighted by 35% when they were transferred to *K* after the first round.

71. These votes originally numbered 20 but were weighted by 24% when they were transferred to *N* after the second round.

72. For an analogous example of the vote tabulation process under P-RCV, see *Proportional Ranked Choice Voting Example*, *supra* note 18.

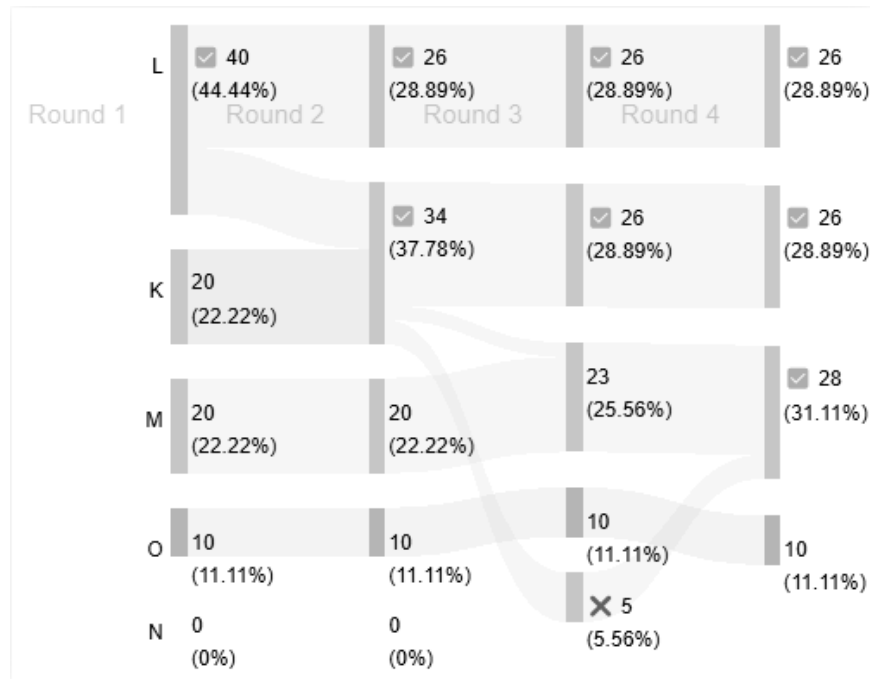


Figure 4. Sample Determination of Winners of an RLPR Election (Vote Flow Diagram)

To my knowledge, no jurisdiction has ever adopted RLPR, nor has any scholar ever proposed it. However, Luxembourg and Switzerland both use a variant of OLPR in which voters have as many candidate votes as there are seats to be filled and may cast one *or two* votes per candidate.⁷³ This feature, known as cumulation, allows voters to distinguish between their more and less preferred candidates—though not to the same extent as RLPR with its more fine-grained ranking procedure. Additionally, voters in Los Angeles rejected a 1913 voter initiative that would have changed the city’s electoral system so that voters could both vote for a party and rank all parties’ candidates.⁷⁴ This form of PR would

73. Thomas Mustillo & John Polga-Hecimovich, *Party, Candidate, and Voter Incentives Under Free List Proportional Representation*, 32 J. THEORET. POL. 143, 145 (2020); see also Dylan Difford, *Open Lists in Luxembourg and Switzerland*, MAKE VOTES MATTER (Sept. 30, 2023), <https://makevotesmatter.org.uk/news/2023/9/30/open-lists-in-luxembourg-and-switzerland/> [<https://perma.cc/KWV7-JX8H>]. Luxembourg and Switzerland also allow voters to cast votes for multiple parties’ candidates, a feature known as “panachage.” Difford, *supra*.

74. Sitton, *supra* note 36, at 355–58; see also Jack Santucci, *Los Angeles, 1913: STV or OLPR?*, VOTEGUY.COM (Sept. 14, 2023), <https://www.voteguy.com/2023/09/14/los-angeles-1913-stv-or-olpr/> [<https://perma.cc/WJR3-BW7H>].

have included a party vote (like OLPR) as well as a ranking component (like P-RCV). However, in contrast to RLPR, the ranking component wouldn't have been restricted to a single party's candidates. It would thus have led to a kind of vote leakage—a vote for one party potentially influencing the ordering of other parties' candidates—and so, most likely, parties' enduring opposition.

III. BENEFITS OF RLPR

Because ranked-list proportional representation is, as its name indicates, a form of proportional representation, it promises all the benefits that are generally associated with PR. As discussed earlier, these include sharply reduced seat-vote disproportionality, less polarized and more ideologically reflective legislatures, greater electoral competitiveness, and higher voter turnout.⁷⁵ Fundamentally, all these goods come from parties' seat shares being more congruent with their vote shares—parties' legislative representation more tightly matching their popular support. Like any type of list PR, RLPR mechanically equalizes parties' seat shares and vote shares. That's the function of RLPR's initial party vote, which ensures that, at a high level, RLPR operates like any list PR system.

At a more granular level, RLPR also responds to the criticisms of proportional ranked-choice voting and open-list proportional representation in the American context. Start with P-RCV's problem of vote leakage.⁷⁶ Under RLPR, a vote for a party and a subsequent ranking of its candidates simply can't help to elect another party's candidate. All votes are party-specific, and no votes can cross party lines. Writing about OLPR, Santucci comments that it “obviates vote leakage” because “[t]here is no way in which a vote can leave one party's column, then contribute to the seat share of another party.”⁷⁷ The same is true of RLPR. Under it, a vote necessarily and exclusively contributes to the representation of the party for which it's cast.⁷⁸

To be sure, this feature of RLPR is highly unlikely to cause the major American parties to affirmatively support the system. OLPR and most other types of list PR also avoid any possibility of vote leakage. Yet none of these policies has ever been adopted by an American jurisdiction,

75. See *supra* notes 26–29 and accompanying text.

76. See *supra* notes 32–43 and accompanying text.

77. SANTUCCI, MORE PARTIES, *supra* note 8, at 183.

78. Of course, under any list PR system, including RLPR, votes for a party can be *ineffective* if the party fails to hit the threshold required for representation. One might think of this phenomenon as vote *negation* as opposed to vote *leakage* to another party.

nor have Democratic or Republican elites exhibited much interest in them. The point here is therefore subtler. *If* reformers succeed in making the approval of a form of PR plausible or even probable in a jurisdiction, *then* the major parties might express a preference for RLPR over P-RCV. In this scenario, RLPR might seem to the parties like their best option in a bad situation: a way to soften the blow of PR by, at least, ensuring that their votes won't flow to their competitors.⁷⁹ Likewise, *if* a jurisdiction actually implemented RLPR, *then* the parties might not resist it as stubbornly as they did P-RCV in the early to mid-1900s. Unlike P-RCV, RLPR wouldn't threaten to siphon off the parties' votes or to induce their candidates and elected officials to distance themselves from the party brand. The parties might still grumble about RLPR, in a jurisdiction that enacted it, but they might be more open to reaching a *modus vivendi* with it, too.⁸⁰

Next, consider P-RCV's complexity, which stems from the sheer number of candidates it asks voters to rank. RLPR is substantially simpler because it only permits voters to rank candidates from a single party—their preferred party. The resulting reduction in cognitive demand is especially stark when multiple parties each run multiple candidates for multiple seats. Returning to an example from Part I, if five parties run five candidates each in a five-seat district under P-RCV, then voters must rank up to twenty-five candidates. Under RLPR, on the other hand, voters must only rank up to *five* candidates in this election, or *eighty percent* fewer. In ranking these candidates, moreover, voters are assisted by the candidates' common party affiliation. It means voters can only compare the candidates in terms of their nonpartisan attributes: their records, platforms, personalities, and so on. Voters need not (and cannot) perform more difficult comparisons in which candidates' party affiliations vary along with their nonpartisan attributes. Under P-RCV, conversely, these harder comparisons aren't just possible; they're an integral part of every candidate ranking.⁸¹

But while RLPR is simpler than P-RCV, it's more complicated than several other forms of PR. Under closed-list proportional representation,

79. The most likely such scenario might be if P-RCV seems like it might be adopted via direct democracy and the major parties can avert this outcome by switching to RLPR legislatively.

80. See Santucci, *PR Mistakes*, *supra* note 42 (“[I]f we want PR for the long haul, we should take a second look at what I’ve called the ‘normal’ [list PR] version . . .”).

81. To be sure, there may be some voters who find it easier to rank candidates when candidates' party affiliations vary. For example, say a voter enthusiastically supports one candidate from her chosen party, loathes all of this party's other candidates, and likes two candidates from other parties. While RLPR reduces the number of candidates this voter may rank, it arguably makes the ranking more difficult by barring her from specifying the candidates who are her sincere second and third choices.

a voter only has to select a single party for which to cast her ballot.⁸² Under OLPR, a voter only has to vote for—not to rank—one or more candidates after choosing her preferred party.⁸³ And under mixed-member proportional representation, a voter only has to vote for a single party and a single district-specific candidate.⁸⁴ It must be conceded, then, that RLPR decreases complexity only relative to P-RCV. On the spectrum of PR systems, RLPR remains on the more complicated side. And, for this reason, the practical and normative advantages of RLPR's ease of use (compared to P-RCV) might be attenuated. Voters might not be much more supportive of a method that still requires them to rank multiple candidates. Similarly, evaluators of electoral systems might be underwhelmed by a reduction in complexity that still leaves RLPR more cognitively challenging than any form of PR other than P-RCV.

Turn, last, to OLPR's risk of underrepresenting cohesive minority groups. To reiterate, this risk arises, in large part, because OLPR relies on a semi-proportional formula to allocate parties' seats to their candidates.⁸⁵ In contrast, RLPR uses a *fully* proportional seat allocation method:

P-RCV, just applied on an intraparty basis. Under P-RCV, minority groups of all stripes are generally able to achieve proportional representation. This property continues to hold when P-RCV is the seat allocation method for parties instead of the electoral system in its entirety. As a seat allocation method for parties, P-RCV usually results in minority groups securing intraparty representation commensurate to their intraparty support. In turn, proportional *intraparty* minority representation usually leads to proportional *overall* minority representation. Unlike OLPR (or any other type of list PR), RLPR thus tends to yield double proportionality: proportionality among parties (due to the party vote) as well as proportionality within parties (due to the use of P-RCV as the seat allocation method).

The strongest evidence that cohesive minority groups are generally able to achieve proportional representation under P-RCV comes from modeling congressional elections, not analyzing historical data. (Because P-RCV has mostly been adopted by relatively homogeneous jurisdictions, like Australia and Ireland, historical analysis sheds little light on minority representation under the system.⁸⁶) A team of scholars used a computer algorithm to generate ensembles of congressional districts with three to

82. *Closed List*, *supra* note 20.

83. *Open List*, *supra* note 19.

84. *Mixed-Member Proportional Representation*, *supra* note 21.

85. *See supra* notes 53–60 and accompanying text.

86. *See* Deb Otis & Matthew Oberstaedt, *Where Is Ranked Choice Voting Used?*, FAIRVOTE (Oct. 3, 2024), <https://fairvote.org/where-is-ranked-choice-voting-used/>.

five seats each for all states with at least three U.S. House members.⁸⁷ The authors then estimated voter behavior and candidate entry under P-RCV in several ways.⁸⁸ No matter which approach they took, they found that, in most states, minority representation would typically be proportional or even super-proportional under P-RCV.⁸⁹ As the authors described their “extremely encouraging results,” P-RCV “in multi-member districts can secure proportional representation for minorities without a race-conscious line-drawing process.”⁹⁰

To confirm that RLPR would function as effectively for minority voters, analogous modeling would be invaluable. Flagging this project for future research, here I offer a single proof of concept: one sample election in which RLPR gives rise to proportional minority representation—while OLPR doesn’t. Revisit the example from Part I in which OLPR produces subproportional minority representation because forty minority voters divide their votes suboptimally between two minority-preferred candidates (thirty for one, ten for the other) while sixty majority voters split their votes optimally between four majority-preferred candidates (fifteen for each). But now suppose this election is held under RLPR, not OLPR, and the party’s hundred voters have the following preferences: Thirty minority voters rank the candidates: *Min1*, *Min2*, *Maj1*, *Maj2*, *Maj3*, *Maj4* (where *Min* candidates are minority-preferred and *Maj* candidates are majority-preferred). Ten minority voters rank the candidates: *Min2*, *Min1*, *Maj1*, *Maj2*, *Maj3*, *Maj4*. Fifteen majority voters rank the candidates: *Maj1*, *Maj2*, *Maj3*, *Maj4*, *Min1*, *Min2*. Fifteen majority voters rank the candidates: *Maj2*, *Maj1*, *Maj3*, *Maj4*, *Min1*, *Min2*. Sixteen majority voters rank the candidates: *Maj3*, *Maj1*, *Maj2*, *Maj4*, *Min1*, *Min2*. And fourteen majority voters rank the candidates: *Maj4*, *Maj1*, *Maj2*, *Maj3*, *Min1*, *Min2*.⁹¹ Figure 5

87. MGGG REDISTRICTING LAB, *supra* note 13, at 3.

88. *Id.* at 4–6.

89. *Id.* at 6–16.

90. *Id.* at 15; *see also* Gerdus Benade, Ruth Buck, Moon Duchin, Dara Gold & Thomas Weighill, *Ranked Choice Voting and Proportional Representation* 25 (July 14, 2022) (unpublished manuscript), <https://ssrn.com/abstract=3778021> [<https://perma.cc/C65B-ENKM>] (finding in four further case studies that P-RCS “is predicted to secure [minority]-preferred candidates a fraction of the seats roughly equal to the [minority] population share”).

91. These preferences indicate severely racially polarized voting. It’s reasonable to assume that the degree of racial polarization stays roughly constant under different electoral systems. *See* Jason McDaniel, *Does More Choice Lead to Reduced Racially Polarized Voting? Assessing the Impact of Ranked-Choice Voting in Mayoral Elections*, 10 CAL. J. POL. & POL’Y, no. 2, at 2 (2018) (“[Ranked-choice voting] has very little, if any, effect on racially polarized voting and does not contribute to any moderation of racial conflict and competition.”). These preferences also feature each voter ranking all candidates. In practice, if minority voters are more prone to truncating their ballots, they may end up underrepresented (though a high *uniform* level of truncation actually

tabulates the first- through sixth-choice votes for each candidate in this scenario.

	Min1	Min2	Maj1	Maj2	Maj3	Maj4
1st Choice	30	10	15	15	16	14
2nd Choice	10	30	45	15	0	0
3rd Choice	0	0	40	30	30	0
4th Choice	0	0	0	40	14	46
5th Choice	60	0	0	0	40	0
6th Choice	0	60	0	0	0	40

Figure 5. Sample Votes for a Party's Candidates in an RLPR Election

Because the party receives 100 votes and wins five seats, the quota for a party candidate to claim one of these seats is 18 votes ($((1 \div (5 + 1)) \times 100) + 1$).⁹² In the first round of counting, only *Min1* has more first-choice votes (30) than this quota. *Min1* is therefore elected and has 12 surplus votes ($30 - 18$) amounting to 40% of *Min1*'s first-choice votes ($12 \div 30$). This percentage is multiplied by the 30 second-choice votes cast for *Min2* by the voters who ranked *Min1* first, resulting in 12 votes being reallocated to *Min2* ($40\% \times 30$).

In the second round, these reallocated votes enable *Min2* to exceed the quota and thus to be elected, with 4 surplus votes ($22 - 18$) amounting to 18% of *K*'s votes ($4 \div 22$). This percentage is multiplied by the 10 third-place votes cast for *Maj1* by the voters who ranked *Min2* first,⁹³ as well as by the 12 third-place votes cast for *Maj1* by the voters who ranked *Min1* first,⁹⁴ resulting in 4 votes being reallocated to *Maj1* ($(18\% \times 10) + (18\% \times 12)$).

In the third round, these reallocated votes enable *Maj1* to exceed the quota and thus to be elected, with 1 surplus vote ($19 - 18$) amounting to 5% of *Maj1*'s votes ($1 \div 19$). This percentage is multiplied by the 15 second-place votes cast for *Maj2* by the voters who ranked *Maj1* first, by the 2 fourth-place votes cast for *Maj2* by the voters who ranked *Min1*

benefits minority voters). See Christina Hoffman, Jakini A. Kauba, Julie C. Reidy & Thomas Weighill, *Proportionality in Multi-Winner RCV Elections: A Simulation Study with Ballot Truncation* 13–14 (Oct. 14, 2021), <https://ssrn.com/abstract=3942892> (making these points through simulations of P-RCV). I don't further address truncation because it doesn't otherwise affect the arguments for or against RLPR.

92. Throughout this discussion, seats and percentages are rounded to the nearest whole number (except when an additional decimal place is necessary in the fifth round of counting).

93. While all the voters who ranked *Min2* first ranked *Min1* second, *Min1* has already been elected and so can't receive any more votes.

94. These votes originally numbered 30 but were weighted by 40% when they were transferred to *Min2* after the first round.

first,⁹⁵ as well as by the 2 fourth-place votes cast for *Maj2* by the voters who ranked *Min2* first,⁹⁶ resulting in 1 vote being reallocated to *Maj2* $((5\% \times 15) + (5\% \times 2) + (5 \times 2))$.

In the fourth round, no new candidate exceeds the quota, so the candidate with the fewest votes, *Maj4*, is eliminated. *Maj4*'s 14 votes are reallocated to the remaining candidate ranked next after *Maj4* on these ballots, *Maj2*.⁹⁷

In the fifth round, these reallocated votes enable *Maj2* to exceed the quota and thus to be elected, with 12 surplus votes $(30 - 18)$ amounting to 40% of *Maj2*'s votes $(12 \div 30)$. This percentage is multiplied by the 15 third-place votes cast for *Maj3* by the voters who ranked *Maj2* first,⁹⁸ by the 0.1 fifth-place votes cast for *Maj3* by the voters who ranked *Min1* first,⁹⁹ by the 0.1 fifth-place votes cast for *Maj3* by the voters who ranked *Min2* first,¹⁰⁰ by the 0.8 third-place votes cast for *Maj3* by the voters who ranked *Maj1* first,¹⁰¹ as well as by the 14 fourth-place votes cast for *Maj3* by the voters who ranked *Maj4* first, resulting in 12 votes being reallocated to *Maj3* $((40\% \times 15) + (40\% \times 0.1) + (40\% \times 0.1) + (40\% \times 0.8) + (40\% \times 14))$.

In the sixth round, these reallocated votes enable *Maj3* to exceed the quota and thus to claim the party's fifth and final seat. All these calculations are shown as a table in Figure 6 and as a vote flow diagram in Figure 7.

95. These votes originally numbered 30 but were first weighted by 40% when they were transferred to *Min2* after the first round and then weighted by 18% when they were transferred to *Maj1* after the second round.

96. These votes originally numbered 10 but were weighted by 18% when they were transferred to *Maj1* after the second round.

97. While all the voters who ranked *Maj4* first ranked *Maj1* second, *Maj1* has already been elected and so can't receive any more votes.

98. While all the voters who ranked *Maj2* first ranked *Maj1* second, *Maj1* has already been elected and so can't receive any more votes.

99. These votes originally numbered 30 but were first weighted by 40% when they were transferred to *Min2* after the first round, then weighted by 18% when they were transferred to *Maj1* after the second round, and then weighted by 5% when they were transferred to *Maj2* after the third round.

100. These votes originally numbered 10 but were first weighted by 18% when they were transferred to *Maj1* after the second round and then weighted by 5% when they were transferred to *Maj2* after the third round.

101. These votes originally numbered 15 but were weighted by 5% when they were transferred to *Maj2* after the third round.

	Round 1	Round 2	Round 3	Round 4	Round 5	Round 6
Min1	<u>30</u>	<u>18</u> (-12)	<u>18</u>	<u>18</u>	<u>18</u>	<u>18</u>
Min2	10	<u>22</u> (+12)	<u>18</u> (-4)	<u>18</u>	<u>18</u>	<u>18</u>
Maj1	15	15	<u>19</u> (+4)	<u>18</u> (-1)	<u>18</u>	<u>18</u>
Maj2	15	15	15	16 (+1)	<u>30</u> (+14)	<u>18</u> (-12)
Maj3	16	16	16	16	16	<u>28</u> (+12)
Maj4	14	14	14	14	0 (-14)	0

Figure 6. Sample Determination of Winners of an RLPR Election (Table)

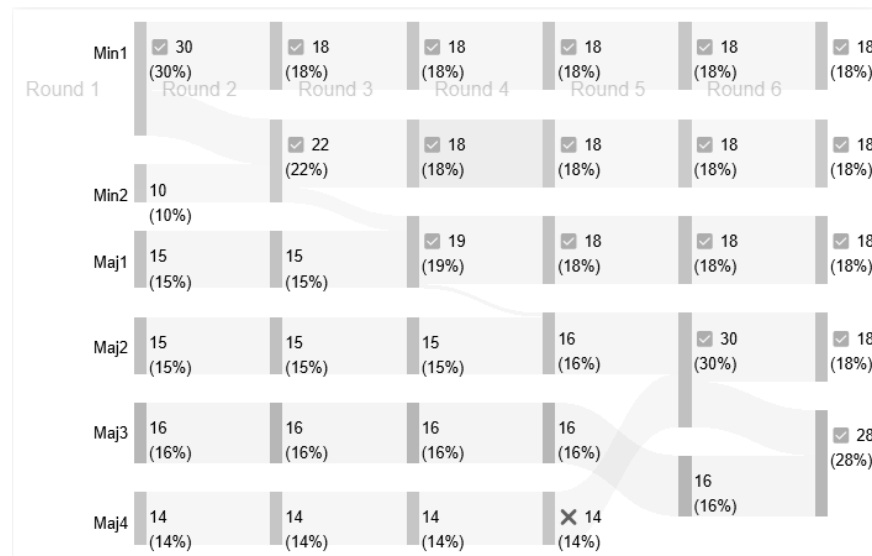


Figure 7. Sample Determination of Winners of an RLPR Election (Vote Flow Diagram)

This tallying may be complex,¹⁰² but the punchline is simple: In this sample election under RLPR, two minority-preferred candidates (*Min1* and *Min2*) are elected. Minority voters therefore achieve proportional intraparty representation: two of the party's five seats, corresponding to their forty percent share of the party's voters. In turn, proportional intraparty minority representation leads to proportional overall minority representation: two of ten total seats, corresponding to minority voters' twenty percent share of all voters.¹⁰³ What's more, given essentially the same voter preferences and candidates, OLPR *doesn't* generate these

102. Note that the tallying would be even more complex under P-RCV since it would have to continue until all *ten* seats in the district (not just the five seats won by the party in this example) were filled.

103. See *supra* notes 55–56 and accompanying text.

proportional outcomes. As explained in Part I, it results in just one minority-preferred candidate being elected in this scenario (*MinI*), yielding fifty percent minority underrepresentation both intraparty and districtwide.¹⁰⁴

Of course, this is just one hypothetical election. In other situations, OLPR and RLPR both give rise to proportional minority representation. Recall the example of the optimal number of minority-preferred candidates running and minority voters dividing their votes optimally among them.¹⁰⁵ Given such candidate and voter behavior, proportionality for minority voters is likely under either system. Or imagine that minority voters *aren't* polarized from majority voters within the same party, perhaps because minority voters dominate their own party, most of whose backers have similar preferences.¹⁰⁶ In this case as well, the dynamics that sometimes incline OLPR to underrepresent minority voters are inoperative since these forces depend on intraparty polarization between different groups.

In still other scenarios, OLPR and RLPR *both* underrepresent minority voters. Think of too few minority-preferred candidates running, many minority voters not voting for or ranking as many minority-preferred candidates as legally allowed, or many minority voters affirmatively voting for or ranking majority-preferred candidates. These patterns are conducive to minority underrepresentation whether voters vote for or rank their chosen party's candidates. Accordingly, RLPR's advantage over OLPR in representing minority voters materializes only in certain factual circumstances. Again, modeling candidate and voter behavior under a range of assumptions would be helpful in estimating the size of RLPR's edge.

IV. IMPLEMENTATION OF RLPR

If this were a general study of ranked-list proportional representation, it could stop here, having introduced the system and identified its benefits. This Essay focuses on the American context, however, and so addresses several issues about how RLPR could actually be implemented by jurisdictions at all levels. Under local, state, and federal laws, there exist major barriers to RLPR's adoption. These barriers would have to be removed for RLPR to become a widely available electoral option. Additionally, given American historical

104. See *supra* note 58 and accompanying text.

105. See *supra* note 55 and accompanying text.

106. Cf. John D. Huber, *Measuring Ethnic Voting: Do Proportional Electoral Laws Politicize Ethnicity?*, 56 AM. J. POL. SCI. 986, 1000 (2012) (finding that ethnicity is less closely linked to voting behavior under proportional than under majoritarian electoral systems).

practice, RLPR in the general election would probably have to be paired with some kind of primary election. Fortunately, this pairing could be done without much difficulty—most elegantly with proportional ranked-choice voting in the primary election nominating up to as many candidates as there are seats to be filled.

Beginning at the local level, most substate entities in the United States rely on nonpartisan elections: races in which candidates run without ballots stating their party affiliations. About three-quarters of municipalities use nonpartisan elections to elect public officials,¹⁰⁷ as do more than ninety percent of school boards.¹⁰⁸ It should be obvious that RLPR is incompatible with nonpartisan elections. RLPR's party vote presupposes the presence of parties with associated candidates on the ballot. There can be no party vote in the absence of ballot-recognized parties. Likewise, RLPR's ranking of candidates requires them to affiliate with parties. Without party affiliations, there's no way to restrict voters to ranking a single party's candidates. Consequently, RLPR is flatly unavailable in the many localities with nonpartisan elections. These localities would have to switch to partisan elections for RLPR to become a viable policy.¹⁰⁹ (Though partisan local elections under RLPR could easily feature "parties" with no state or federal analogues that are essentially slates of candidates with similar stances on local issues. Partisan local elections under RLPR, that is, wouldn't necessarily mirror partisan state or federal elections.¹¹⁰)

Next, at the state level, eleven states have prohibited ranked-choice voting since 2022.¹¹¹ The motivation for these bans seems to have been Republican opposition to *single-winner* ranked-choice voting based on its supposed bias in favor of Democratic candidates.¹¹² (Democrats recently won some high-profile S-RCV races despite Republicans getting more

107. Brian F. Schaffner, Matthew Streb & Gerald Wright, *Teams Without Uniforms: The Nonpartisan Ballot in State and Local Elections*, 54 POL. RSCH. Q. 7, 7 (2001) (citing data from 1991).

108. *Rules Governing Party Labels in School Board Elections*, BALLOTPEdia, https://ballotpedia.org/Rules_governing_party_labels_in_school_board_elections [<https://perma.cc/325E-KLL8>].

109. *PR Library: Types of Voting Systems*, FAIRVOTE, https://fairvote.org/archives/types_of_voting_systems/ (last visited Feb. 13, 2024) (noting that P-RCV is "the only form of PR that can be used in nonpartisan elections").

110. See David Schleicher, *Why Is There No Partisan Competition in City Council Elections?: The Role of Election Law*, 23 J.L. & POL. 419, 465–67 (2007) (arguing that switching from nonpartisan to partisan local elections would make these races more distinct from state and national politics).

111. *Ranked Choice Voting*, *supra* note 14.

112. See Gabrielle Gurley, *Ranked-Choice Voting Draws Bipartisan Ire*, AM. PROSPECT (June 21, 2024), <https://prospect.org/politics/2024-06-21-ranked-choice-voting-draws-bipartisan-ire/> [<https://perma.cc/8WDR-7FJB>] ("[M]any white Republican political power brokers in the South have been strategizing to eliminate . . . RCV before it can garner an iota of interest or support.").

votes in the first round of counting.¹¹³) Of the eleven bans, five are best read as applying only to S-RCV. These provisions forbid ranking candidates and then reallocating votes “until a *single* candidate attains a majority.”¹¹⁴ The other six bans, though, likely extend to RLPR as well. They either name “proportional ranked voting” as an unlawful method,¹¹⁵ bar the use of ranked-choice voting to elect “any candidate,”¹¹⁶ or proscribe ranking candidates and then reallocating votes until “the number of candidates elected equals the number of offices to be filled.”¹¹⁷ In these six states, then, state law would probably have to be changed for RLPR to be adopted. (Though this might not be a serious obstacle since, to authorize RLPR at the state level, state law would have to be revised anyway. The same revision could both repeal the prohibition of RLPR and enact the policy for future elections.)

Lastly, at the federal level, Congress has long required each congressional district to elect a single Representative.¹¹⁸ In each state, there must be “a number of districts equal to the number of Representatives to which such State is so entitled,” with “no district to elect more than one Representative.”¹¹⁹ As long as this law remains on the books, congressional elections can’t be conducted under RLPR or virtually any other form of PR. Multimember districts¹²⁰ are a prerequisite for almost all PR systems because multiple seats are needed to be distributed to parties in accordance with their votes.¹²¹ But multimember districts are exactly what the law disallows. (Though the law *doesn’t* apply to S-RCV since it elects *one* legislator per district. And, like the state RLPR bans, the law could be superseded by a new statute that both permits RLPR and compels its use going forward.¹²²)

113. *Id.* (discussing U.S. House elections in Maine in 2018 and Alaska in 2022).

114. ALA. CODE § 17-1-6(b) (2024) (emphasis added); FLA. STAT. § 101.019(1) (2024) (identical language); KY. REV. STAT. ANN. § 117.147(1) (West 2024) (same); MISS. CODE ANN. § 23-15-893(2) (2024) (same); *see also* MONT. CODE ANN. § 13-1-125(2) (2023) (similar).

115. OKLA. STAT. tit. 26, § 1-112(A) (2024).

116. LA. STAT. ANN. § 18:404(A) (2024); *see also* MO. CONST. art. VIII, § 3 (similar).

117. IDAHO CODE § 34-903B(2)(b)(iv) (2024); S.D. CODIFIED LAWS § 12-1-9.1(4) (2024) (identical language); TENN. CODE ANN. § 2-8-117(a)(1)(D) (2024) (same).

118. *See generally* Martin H. Quitt, *Congressional (Partisan) Constitutionalism: The Apportionment Act Debates of 1842 and 1844*, 28 J. EARLY REPUBLIC 627 (2008).

119. 2 U.S.C. § 2c.

120. Or in the case of mixed-member proportional representation, multiple compensatory seats. *See Mixed-Member Proportional Representation*, *supra* note 21.

121. Again, Foley’s self-districting proposal is arguably compliant with this law. *See* Foley, *supra* note 15, at 701.

122. If a new statute merely permitted P-RCV, then states could adopt it under their authority to enact congressional regulations unless preempted by federal law. *See* U.S. CONST. art. I, § 4, cl. 2.

This leaves the questions of whether, and how, RLPR in the general election should be combined with some kind of primary election (in a jurisdiction legally free to switch to this system).¹²³ RLPR in the general election doesn't *have* to be combined with any primary election at all. Parties could simply select the candidates for their respective lists on the general election ballot pursuant to their internal processes. These internal processes could include decisions of party leaders, informal consultations with party members, party conventions, or party caucuses. Abroad, most parties in PR systems rely on versions of these processes to choose their general election nominees.¹²⁴ Abroad, that is, most parties don't participate in state-run primary elections held prior to general elections. The same approach would be feasible for RLPR in the American context.¹²⁵ It would entail returning to how parties picked their nominees before the advent of primary elections in the early twentieth century.

However, this approach has at least two disadvantages. First, many Americans are attached to primary elections, which they see as giving ordinary voters (as opposed to party elites) control over nominations.¹²⁶ "Persuading Americans to give up their voice in primary elections" as part of a conversion to PR thus "would be a tall order," according to Richard Pildes.¹²⁷ Second, as noted in Part I, OLPR (and all other types of list PR) risk underrepresenting minority voters when parties select their nominees without primary elections.¹²⁸ Parties might not include (or highly rank) enough minority-preferred candidates in their lists to achieve proportional minority representation. As a list PR system, RLPR could also be criticized on this ground if it were adopted without primary elections. RLPR's properties in *general* elections would promote minority representation, for the reasons discussed in Part III, but this goal could be compromised if parties named too few minority-preferred candidates to their lists.

123. No assessment of an electoral system can ignore these issues. How candidates are selected for the general election ballot is an integral part of an electoral system, inseparable from the system's method for choosing the ultimate winners.

124. VENICE COMM'N, NO. 721/2013, REPORT ON THE METHOD OF NOMINATION OF CANDIDATES WITHIN POLITICAL PARTIES 10 (2015), [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2015\)020-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2015)020-e) [<https://perma.cc/U7WZ-C222>] ("In most of the states under analysis, the existing legislation on political parties leaves the final decision [of which candidates to nominate] to them.").

125. See Pildes, *supra* note 22, at 1536 (noting that certain OLPR proposals for the United States "would do away with primary elections for choosing a party's nominees").

126. See Clay S. Jenkinson, *Why Does America Have Primaries?*, GOVERNING (May 29, 2022), <https://www.governing.com/context/why-does-america-have-primaries> [<https://perma.cc/ZKB9-HT25>] ("The Primary was . . . designed to give the people greater control over the selection of candidates in their party.").

127. Pildes, *supra* note 22, at 1536.

128. See *supra* note 52 and accompanying text.

At least in the American context, then, it may be advisable to pair RLPR in the general election with a primary election. What *kind* of primary election? I suggest one with generous ballot access using P-RCV to nominate up to as many candidates per party as there are seats to be filled.¹²⁹ By generous ballot access, I mean that (as is already common in the United States) anyone who affiliates with a party can run in its primary election if she obtains a modest number of signatures from voters registered with the party.¹³⁰ If necessary, P-RCV would then be employed to winnow the party's field of candidates to the number of seats in the district. For instance, say a district is represented by five legislators and eight candidates qualify for a party's primary election ballot. Then voters would rank up to all of these candidates and, pursuant to the usual P-RCV method, these rankings would determine which five candidates advance to the general election. (If five or fewer candidates run, they'd all advance and P-RCV wouldn't be needed.)

The rationale for making it easy to appear on a party's primary election ballot is preventing ballot access from undermining minority representation. If just about anyone can run in a primary election, then ballot access can't be a major hurdle for minority-preferred candidates. If not enough of these candidates run to achieve proportionality for minority voters, that fact can't be attributed to the rules for qualifying for the primary election ballot. (Nor can it be attributed to the schemes of party elites since they don't (directly) control nominations when a primary election is held.)

Next, there are several justifications for using P-RCV to decide which candidates move on to the general election. First, P-RCV in the primary election is the closest analogue to RLPR in the general election. Under RLPR in the general election, voters first vote for a party and then rank its candidates. Similarly, under P-RCV in the primary election, voters first choose in which party's primary to participate (a choice sometimes preordained by their party registration) and then rank this party's candidates.¹³¹ The two systems are nearly identical twins. Second, just as RLPR in the general election is conducive to proportional minority

129. I'm agnostic for present purposes as to whether a party's primary election should be closed, semi-closed, semi-open, or open. However, a party's primary election should be *the party's*; it shouldn't be a *nonpartisan* primary election of the sort now used by Alaska, California, Louisiana, and Washington. See, e.g., *Primary Election Types by State*, BALLOTPEDIA, https://ballotpedia.org/Primary_election_types_by_state [https://perma.cc/6DHS-A2Q2]. Nebraska also has nonpartisan primary elections, but this is because its general elections are nonpartisan as well. *Id.*

130. See, e.g., *Burdick v. Takushi*, 504 U.S. 428, 435 (1992) (describing how, in Hawaii, candidates need only fifteen to twenty-five signatures from registered voters to appear on the primary election ballot).

131. See *supra* note 129 (noting my view that P-RCV should be used in a *party's* (not a nonpartisan) primary election).

representation,¹³² P-RCV in the primary election promotes proportional minority *nomination*. In most circumstances, this method enables a cohesive minority group to secure the nomination of a share of minority-preferred candidates commensurate to the group's share of the party's primary voters. Notably, this tendency holds even if many minority-preferred candidates run or one of these candidates is the first choice of most minority voters. P-RCV's reallocations of nominated candidates' surplus votes and eliminated candidates' total votes push toward proportional minority nomination even if minority-preferred candidates and minority voters behave in ways that might be suboptimal under other systems.

Third, this point can be generalized to proportional nomination for *any* cohesive group (minority or otherwise). Under P-RCV in the primary election, as long as a group's primary voters consistently support the group's preferred candidates, and as long as enough of these candidates run, these candidates should typically be nominated proportionally to the group's intraparty size. And fourth, the concerns about P-RCV in the *general* election largely don't apply to the method's use at the primary election stage.¹³³ Vote leakage among parties is impossible at this stage since voters vote in a single party's primary election and rank only its candidates. For the same reasons, P-RCV primary election ballots are less cognitively challenging than their general election counterparts. Like RLPR in the general election, P-RCV in the primary election asks voters to rank only their favored party's (not all parties') candidates.

As for the last aspect of my proposal for the primary election—that each party nominate up to as many candidates as there are seats to be filled—its logic is to make it possible, in principle, for each party to win every seat. Of course, in all but the most homogeneous districts with reasonable numbers of seats (say, at least three), no party will be popular enough to sweep every seat under RLPR in the general election. Still, it seems prudent not to limit the extent of parties' victories *ex ante* by requiring them to nominate fewer candidates than there are available seats. (Conversely, not allowing parties to nominate *more* candidates than there are seats to be filled *doesn't* preemptively clip their wings. But it does mitigate the risk of disproportional intraparty outcomes if some voters only rank marginal candidates who end up being eliminated.)

Could mandating P-RCV in the primary election violate parties' First Amendment associational rights (if they'd prefer a different nomination system)? The Supreme Court has ruled in favor of parties complaining about *which* voters were permitted to *participate* in their

132. See *supra* Part III.

133. See *supra* Part I.

primary elections.¹³⁴ But, in the sole relevant case of which I'm aware, a federal district court declined to extend this doctrine to the Maine Republican Party's objection to the state's use of S-RCV in primary elections. According to this court, earlier precedents were "limited to . . . regulations [that] unduly restrict or expand the pool of voters given a voice in the party's primary elections."¹³⁵ Maine's use of S-RCV in primary elections "has no similar effect."¹³⁶ The court added that S-RCV doesn't become highly burdensome for parties just because it can potentially affect the identities of nominees. That S-RCV "may produce a standard-bearer for a particular office who is different than the candidate who would have won the primary had a simple plurality been required does not alone constitute a severe burden."¹³⁷ The court further recognized Maine's interest in "requiring that candidates for public office demonstrate a preliminary showing of substantial support to appear on the general election ballot."¹³⁸ S-RCV serves this interest by increasing the necessary threshold of support from a plurality to a majority of votes (after all vote transfers are completed).

Under this case's reasoning, compulsory P-RCV in the primary election is indistinguishable from compulsory S-RCV. Like compulsory S-RCV, compulsory P-RCV doesn't change *who* may vote in the primary election. It only alters the *electoral system* under which voters (whoever they might be) cast their ballots. Likewise, the candidates who advance to the general election given P-RCV at the primary election stage may differ from the ones who would have moved on given another voting method, such as plurality block voting.¹³⁹ But this fact is legally immaterial; a state may choose an electoral system for the primary election that influences the identities of nominees. And just as S-RCV increases the necessary threshold to be nominated from a plurality to a majority, P-RCV raises it to an electoral quota set by the number of nominees.¹⁴⁰ Under other voting methods, this threshold can be much lower (and more random).¹⁴¹

134. See, e.g., *Cal. Democratic Party v. Jones*, 530 U.S. 567, 586 (2000) (striking down California's blanket primary system).

135. *Me. Republican Party v. Dunlap*, 324 F. Supp. 3d 202, 210 (D. Me. 2018).

136. *Id.*

137. *Id.* at 211; cf. *N.Y. State Bd. of Elections v. Lopez Torres*, 552 U.S. 196, 205 (2008) (acknowledging that states may "requir[e] party-candidate selection through processes more favorable to insurgents, such as primaries").

138. *Me. Republican Party*, 324 F. Supp. 3d at 213.

139. See *Plurality Block Voting*, *supra* note 60.

140. See *supra* note 68 and accompanying text (discussing the Droop quota).

141. For example, suppose there are one hundred voters in a party's primary and five nominations to be made. Under P-RCV, the quota to be nominated is eighteen votes. See *supra* text accompanying note 92. Under the single non-transferable vote, on the other hand, the quota could be as low as one vote (if that is enough to place a candidate in the top five).

CONCLUSION

American jurisdictions are considering switching to proportional representation in volumes unseen for a hundred years. But the forms of PR currently being debated have drawbacks. The most (domestically) prominent of these, proportional ranked-choice voting, is both vulnerable to vote leakage among parties and cognitively challenging for voters. Another salient system, open-list proportional representation, risks underrepresenting minority voters. This Essay therefore introduces a new form of PR—ranked-list proportional representation—that promises to alleviate these concerns. Under RLPR, voters first vote for a single party. They then rank only this party’s candidates. Voters’ party votes determine each party’s seat share. And voters’ candidate rankings establish which of each party’s candidates win its allotted seats. Like all forms of list PR, RLPR makes it impossible for votes to leak across party lines. RLPR is also cognitively simpler for voters because it asks them to rank only one party’s (not all parties’) candidates. And RLPR’s sequential reallocations of votes typically lead to proportional minority representation (both intraparty and overall). Accordingly, American jurisdictions should add RLPR to their menu of PR options for general elections. If they choose to adopt it, they should pair it with P-RCV in primary elections.

* * *